

**9-412B. Motion to sanction for non-compliance.**

*[For use with Magistrate Court Rule 6-504  
and Municipal Court Rule 8-504 NMRA]*

STATE OF NEW MEXICO  
[COUNTY OF \_\_\_\_\_]  
\_\_\_\_\_ COURT

[STATE OF NEW MEXICO]  
[COUNTY OF \_\_\_\_\_]  
[CITY OF \_\_\_\_\_]

v. \_\_\_\_\_ No. \_\_\_\_\_  
\_\_\_\_\_, Defendant

**MOTION TO SANCTION FOR NON-COMPLIANCE**

I certify that the [defendant] [prosecution] failed to comply with this court's pretrial scheduling order in a timely manner as follows:

\_\_\_\_\_  
\_\_\_\_\_.

A motion to compel was filed on \_\_\_\_\_ (*date*) with the following results:  
\_\_\_\_\_ (*describe results*).

Because of the failure to comply the [defendant] [prosecution] requests the court to:

- [ ] order the party to provide discovery as requested
- [ ] grant a continuance until \_\_\_\_\_ (*date*) to allow for the completion of  
discovery

- [ ] prohibit introduction into evidence of the material not disclosed
- [ ] enter an order holding \_\_\_\_\_ (*attorney or party*) in contempt of court
- [ ] \_\_\_\_\_ (*other*).

I acknowledge that the filing of this certificate does not diminish my continuing duty to fully comply with the pretrial scheduling order.

Date: \_\_\_\_\_

\_\_\_\_\_  
[Prosecutor] [Defendant]

[Approved by Supreme Court Order No. 07-8300-25, effective November 1, 2007.]